

August 26, 2002

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Mr. Robert Lake
Director, Office of Regulations and Policy
Center for Food Safety and Applied Nutrition
Dockets Management Branch
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD, USA 20852

Dear Mr. Lake:

Re: USA Public Health Security and Bioterrorism Preparedness and Response Act of 2002

The Fisheries Council of Canada (FCC), a trade organization representing Canadian processors and exporters of fish and seafood products, submits the following comments in response to the request for "FDA Foods Community Input" on those sections of the above Act that require regulations by December 12, 2003.

Section 305 (Registration) Docket #02N-0276

FCC would propose that for facilities in Canada producing fish and seafood products for the USA and that meet the requirements for a facility that must register with FDA, they shall do so by being on a master list of such facilities kept in Canada by the Canadian Food Inspection Agency (CFIA). CFIA shall provide this list of facilities from time to time as agreed by FDA and CFIA. Being on the CFIA federally registered establishment list shall be deemed to have met the requirements of section 305.

Section 306 (Record Keeping) Docket #02N-0277

FCC would propose that the firm with ownership of a food product be considered the entity responsible for record keeping and the recipient next entity is when ownership of the product changes. However, such records shall note the handling and destinations of product which may be physically in control of a food product (transport firm, distributor, warehouse, etc.) without having an ownership responsibility for the food. Such a form, developed by FDA, could provide a complete chain of custody of a food product yet simplify the number and points of records to be kept. Thus transportation firms or distribution warehouses could be noted on the form, but only owners of the product would hold the records. Such records could be in hard copy or electronic form. They should not be required to be held for a period longer than the shelf life of the product, or two years maximum.

02N-0276

Section 307 (Prior Notice) Docket #02N-0278

FCC would propose that prior notice of the article, the manufacturer, shipper, country of origin, country from which it is shipped and port of entry to the USA may be provided by the importer in the USA or the exporter in the foreign market. Allowing the manufacturer/exporter to file the notice, saves time, cost, and simplifies the process for accuracy of records.

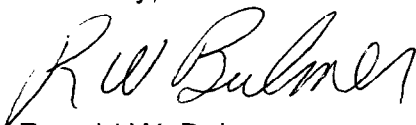
The minimum time for prior notice should be no more than two hours for exports from Canada as many manufacturers are less than this time frame from a truck leaving a facility and reaching a port of entry. This is particularly important for perishable foods in that final manifests are often made up only on loading of available goods.

Perishable foods with limited shelf life should be allowed into the USA and move to the next designated owner of goods (one down) even if the notification form is not at the point of entry. Notice of release to the importer could then be forwarded prior to further distribution. Expensive food items like lobster with a total 24 hour out-of-water shelf life would be compromised at great expense with any paperwork delay at the point of entry.

Section 303 (Detention) Docket #02N-0275

Extending detention powers to a qualified FDA employee upon credible evidence of a threat of serious adverse health consequences is acceptable to the Fisheries Council of Canada

Sincerely,



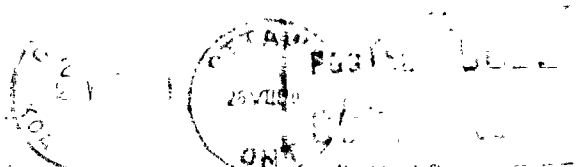
Ronald W. Bulmer
President

RWB/dak

CC Mr. Phillip Douglas
Deputy Director, Canada/US Trade Policy, Agriculture & Agri-Food Canada
Mr. Richard Zurbrigg
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